

Exhibit 10

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: INSULIN PRICING LITIGATION

THIS DOCUMENT RELATES TO:

*State of Montana, ex rel. Austin Knudsen, vs.
Eli Lilly and Company, et al.*

Case No. 2:23-cv-04214

Case No. 2:23-md-03080

MDL No. 3080

JUDGE BRIAN R. MARTINOTTI

JUDGE RUKHSANAH L. SINGH

**STATE OF MONTANA SUPPLEMENTAL
DAO SUBMISSION PURSUANT TO CMO #15**

Departments, Agencies or Offices Information

The State of Montana Attorney General’s Office (“AGO” or “plaintiff”) hereby supplements its identification of the departments, agencies or offices that may possess information or documents responsive to the Plaintiff Fact Sheet (“PFS”) and whether such will be provided in the PFS response without the need for a Court order or subpoena. Plaintiff also sets forth its position on additional departments, agencies or offices identified by Defendants.

For each of the newly- added departments, Plaintiff identifies the specific PFS questions requested by Defendants in their January 24, 2025 letter (“January 24 questions”) to which it will respond.

<u>Initial Departments</u>	<u>Defendant Subpoena Needed</u>
Attorney General’s Office (“AGO”)	No
Department of Administration, Health Care and Benefits Division (State Health Plan) ¹	No

¹ Plaintiff has not asserted claims on behalf of its State Employee Health Plan, does not represent the State Employee Health Plan and does not concede that the State Employee Health Plan is relevant to the instant proceedings. Plaintiff includes the State Employee Health Plan in this document given Judge Singh’s November 22, 2024 Ruling (Dkt. No. 655) and the parties’ negotiated agreement respecting the contents of this document. Plaintiff shall issue a subpoena to the Montana Department of Administration, Health Care and Benefits Division for the information and documents required by the PFS.

Department of Public Health and Human Services (Medicaid) ²	Yes
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<u>Supplemental Departments</u>	<u>Defendant Subpoena Needed</u>
Montana Department of Corrections <ul style="list-style-type: none"> Health Services Division 	No ³
Montana Department of Labor and Industry <ul style="list-style-type: none"> Montana Board of Pharmacy 	No ⁴
Montana Department of Administration <ul style="list-style-type: none"> Health Care and Benefits Division <ul style="list-style-type: none"> State of Montana Benefit Plan 	Plaintiff has already responded to the PFS and produced documents, with a commitment to supplement.
Montana State Auditor Office (Office of the Commissioner of Securities and Insurance)	No ⁵

² The State of Montana has not asserted claims on behalf of State Medicaid and does not concede that Medicaid is relevant to the instant proceedings. The State of Montana includes its Medicaid Department in this document given that PFS questions 31 and 46 required information in the Medicaid Department's possession, custody and control. Defendants now seek broader PFS responses from Medicaid to which plaintiff does not agree.

³ The State of Montana has not asserted claims on behalf of the Department of Corrections ("Corrections") and does not concede that Corrections is relevant to the instant proceedings. Plaintiff includes Corrections here at Defendants' request and in the spirit of cooperative discovery. Plaintiff shall issue a subpoena to Corrections to obtain answers for the January 24 questions. With a full reservation of rights, no defendant subpoena is needed for answers to State AG PFS Questions: 9-13, 15-21, 43-46, 52-54 and Document Requests 1-8 on behalf Corrections to the extent that such exist.

⁴ The State of Montana has not asserted claims on behalf of the Board of Pharmacy ("BOP") and does not concede that BOP is relevant to the instant proceedings. Plaintiff includes the BOP here at Defendants' request and in the spirit of cooperative discovery. Plaintiff shall issue a subpoena to the BOP to obtain answers for the January 24 questions. With a full reservation of rights, no defendant subpoena is needed for answers to State AG PFS Questions: 11-13, 32-34, 37-38, 50-51 and Document Request 6 from the Board of Pharmacy, to the extent that such exist.

⁵ The State of Montana has not asserted claims on behalf of the State Auditor Office and does not concede that the Auditor is relevant to the instant proceedings. The Auditor is listed here only at Defendants' request and in the spirit of cooperative discovery. Plaintiff shall issue a subpoena to the BOP to obtain answers for the January 24 questions. With a full reservation of rights, no defendant subpoena is needed for answers to State AG PFS Questions: 11-13, 15, 23, 32-34, 37-38, 46, 50-51, 53-54, 56 and Document Request 6 on behalf of the State Auditor Office to the extent that such exist.

Montana Public Employee Retirement Administration	No. Plaintiff has already responded to the PFS on behalf of the Montana State Employee Health Plan and produced documents, with a commitment to supplement.
Montana Teachers' Retirement System	No. Plaintiff has already responded to the PFS on behalf of the Montana State Employee Health Plan and produced documents, with a commitment to supplement.

For those Departments, Agencies or Offices that possess responsive information or documents and for whom a subpoena is needed, The AGO responds to the following questions:

(a) Basis for not providing such discovery

Montana Medicaid is an independent agency not represented by the Montana Attorney General's office. Plaintiff and its counsel will cooperate and work collaboratively with counsel for Medicaid to facilitate responses to any subpoenas.

(b) Whether plaintiffs or its attorneys will be representing that entity if Defendants were to issue a R. 45 subpoena

Plaintiff and its counsel will cooperate and work collaboratively with counsel for Medicaid to facilitate responses to any R.45 subpoenas Defendants may issue.

(c) Whether Plaintiff will claim privilege between Plaintiff or its attorneys or that entity

Plaintiff will claim all appropriate privileges including work product, common interest, and deliberative process with Medicaid should Defendants issue a R.45 subpoena. At this stage, plaintiff would not expect to claim an attorney-client privilege with Montana Medicaid, nor does plaintiff currently have an attorney client relationship with Montana Medicaid with respect to this case.

(d) Whether Plaintiff or its attorneys issued a legal hold notice to that entity.

Plaintiff does not have authority to issue a litigation hold notice to Montana Medicaid but plaintiff did request the Agency to hold records that may become necessary to produce in this matter.

Dated: March 5, 2025

By: /s/ Joanne Cicala
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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, I emailed the foregoing to Ext-MDL-Insulin-AG-JDG@Kirkland.com as required by CMO #15.

s/ Joanne Cicala
Joanne Cicala